

Abstract

Copyright and patent protection of computer programs in the United States of America and in the Czech Republic – analysis and comparison

Computer programs in their nature are specific objects which have great value in the current information age. The purpose and aim of this thesis is to conduct a detailed analysis of the two most important regimes of their legal protection – copyright and patent protection. I cover both of these topics in the context of the law of the United States of America (USA) first and then in relation to the law of the Czech Republic.

In the chapters about copyright protection, I specifically describe the individual aspects of a computer program, such as source and object code, graphical user interface, structure and functions of a computer program and whether and under what conditions these aspects of a computer program are protected. After that I analyse the conditions of a computer program's protection in connection with patents.

As to the law of the USA, the most important source of law are understandably decisions of local courts in which the form and conditions of both copyright and patent protection of computer programs are described in a detailed manner. In the chapters which concern legal protection of computer programs in the Czech Republic (specifically in connection with copyright aspects of this topic) I mainly refer to the legislation of the European Union (EU) and the case law of the Court of Justice of the EU, since the case law of the Czech courts which would cover this topic is lacking. My analysis of software patents is primarily based on the case law of the European patent office which is the most available relevant source in this regard.

Based on the analysis of the sources of law I perform a comparison of the learned knowledge about the form of the copyright and patent protection of computer programs in the both subject areas in the penultimate chapter of this thesis. In this connection I conclude that no matter how different the legal systems of the Czech Republic and the USA themselves are different, the legal protection of software (and its components) described herein is quite similar in both regions.